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Clerk, U.S. Courts
District of Montana
Missoula Division

**UNITED STATES DISTRICT COURT
FOR MONTANA – MISSOULA DIVISION**

Eduardo Enrique Vallejo, Pro se,

) **MONT. CASE 9:17-CV-00172-DLC-JCL**

)

Re:

) **COURT OF APPEALS: 19-35276**

)

LSF9 MASTER PARTICIPATION

) **NOTICE AND MOTION FOR LEAVE TO**

) **FILE A MOTION FOR RECONSIDERA-**

TRUST, et al

) **TION AND APPEAL SEEKING PER-**

) **MISSIVE INTERVENTION UNDER FED.**

Defendant(s).

) **R. CIV. P. 24(b)(1)(B).**

)

) **DATE : APRIL 22, 2019**

PLEASE TAKE NOTICE that on April 22, 2019 Movant files this motion for leave to file a motion for reconsideration per local rule 7.3 in response to the Order dated April 19, 2019 denying the previous notice and motion since it did not satisfy the requirements of local rule 7.3.

On April 8, 2019, Movant received a Time Schedule to appear before the Ninth Circuit Court of Appeals in case number 19-35276. On that same date Movant filed a Notice and Motion for reconsideration of the denial of Movant's request for permission from the U.S. District Court for Montana, Missoula, to intervene in this case, but did not file a motion for leave to file a motion for reconsideration as required per local rule 7.3.

Therefore, this motion for leave to file a motion for reconsideration is less than seven pages and specifically meets at least one of the following two criteria:

(1) (A) the facts or applicable law are materially different from the facts or applicable law that the parties presented to the Court before entry of the order for which reconsideration is sought, and (B) despite the exercise of reasonable diligence, the party applying for reconsideration did not know such fact or law before entry of the order; or (2) new material facts emerged or a change

1 of law occurred after entry of the order.

2 This motion for leave to file a motion for reconsideration does not simply repeat arguments
3 made previously to the court since a deposition has since been held with the Defendant and new
4 information regarding the Defendant is sure to emerge of which Movant has no knowledge about,
and these are reasons to file this motion.

5 Movant again requests to intervene and feels that the Montana District Court can reconsider
6 the request seeking permissive intervention under Fed.R.Civ.P. 24(b)(1)(B) for the following
reasons:

7 1.) That he presently has a claim pending in the Ninth Circuit Court of Appeals.
8 2.) That he shares with the main action, a common question of law or fact, regarding
the same Defendant as in this case, the **LSF9 Master Participation Trust**, and that Discovery has
9 now been granted in that case.

10 3.) That Defendant is a Statutory Trust registered in the State of Delaware, whose
domicile is Delaware, and whose registered agent for process of service is U.S. Bank Trust National
11 Association, 300 Delaware Avenue, 9th Flr., Wilmington, DE 19801.

12 4.) That Movant filed for Bankruptcy protection in California in May of 2016, and
Defendant alleges it purchased Mr. Vallejo's loan from Fannie Mae. On the other hand, Mr. Vallejo
13 has evidence that Fannie Mae owns his loan since 2005, but not that it has been sold.

14 5.) That to date there has been no assignment recorded on Movant's property title by
Fannie Mae assigning it to the Defendant LSF9 Master Participation Trust.

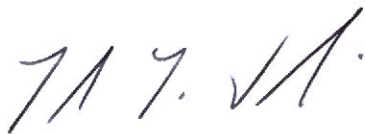
15 6.) That, a common question of law or fact exists, regarding whether the same Defendant
as in this case, the LSF9 Master Participation Trust, along with Fannie Mae, can simultaneously
16 own and collect funds at the same time using the same or similar documents, including the deed
of trust/mortgage, and an unsecured, unrecorded, non-negotiable instrument known as a promise to
17 pay? An unlawful practice known as "double dipping".

18 Therefore, in the interest of judicial economy and not to have to repeat discovery, Movant
19 appeals to the U.S. District Court for Montana, Missoula, to grant leave to file a motion for
reconsideration. For the court to reconsider and permit Movant to intervene in this case.
20 At the same time, Movant appeals to the Ninth Circuit Court of Appeals to Grant the Montana
21 District Court leave to reconsider this motion for permissive intervention to join the above referenced

1 case in Montana against the same Defendant, in order to more easily obtain copies of discovery and
2 other information, documentation, and evidence regarding the Defendant to use in his own Appeal
3 presently pending before the Ninth Circuit Court of Appeals. Pursuant to the Federal Rules of Civil
4 Procedure, the undersigned requests all notices given or required to be given, and all papers required
5 to be served in this case to the parties, any committees, and any other parties-in-interest, be sent to
6 and served upon the undersigned and be added to the Court's Master Mailing List along with
7 permission to file electronically with the Clerk of Court using the CM/ECF system.

8 Respectfully submitted, this 22nd day of April of 2019.

9 Dated: April 22nd, 2019

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11 /s/ EDUARDO ENRIQUE VALLEJO

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